

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

EXTENDED STAY, INC. *et al.*,

Debtors.

FINBARR O’CONNOR, as Trustee for and on
behalf of the EXTENDED STAY LITIGATION
TRUST, and

THE EXTENDED STAY LITIGATION TRUST,

Plaintiffs,

v.

DL-DW Holdings, L.L.C., Lightstone Holdings
L.L.C., The Lightstone Group, L.L.C., PGRT
ESH Inc., Lightstone Commercial Management,
Arbor ESH II, L.L.C., Arbor Commercial
Mortgage, L.L.C., Princeton ESH, L.L.C., Atmar
Associates, L.L.C., Glida One LLC, Ron Invest
LLC, Polar Extended Stay (USA) L.P., BHAC
Capital IV, L.L.C., ABT-ESI L.L.C., Mericash
Funding LLC, Park Avenue Funding L.L.C.,
David Lichtenstein, Bruno de Vinck, Peyton
“Chip” Owen, Jr., Guy R. Milone, Jr., Joseph
Chetrit, Joseph Teichman, Joseph Martello, F.
Joseph Rogers, Dae Hum Kim (a/k/a David
Kim), and Gary DeLapp,

Defendants.

Chapter 11

Case No. 09-13764 (JMP)

(Jointly Administered)

Adv. Proc. No. 11-2254 (JMP),
Adv. Proc. No. 11-2255 (JMP),
Adv. Proc. No. 11-2256 (JMP),
Adv. Proc. No. 11-2398 (JMP)

**ORDER GRANTING JOINT MOTION TO
CONSOLIDATE ADVERSARY PROCEEDINGS**

This matter came before the Court pursuant to the Joint Motion to Consolidate Adversary Proceedings (the “Motion”) filed by Plaintiffs, Finbarr O’Connor, solely in his capacity as Successor Trustee for and on behalf of the Extended Stay Litigation Trust (the “Trustee”), and the Extended Stay Litigation Trust (the “Litigation Trust” and, together with the

Trustee, “Plaintiffs”), the Lightstone Defendants,¹ the HVM Defendants,² the Arbor Defendants,³ Defendant PGRT ESH Inc., and Defendant Polar Extended Stay (USA) L.P. (collectively, the “Parties”).

In the Motion, the Parties request that the Court enter an Order to consolidate Adversary Proceeding Nos. 11-2254, 11-2255, 11-2256, and 11-2398 (the “Adversary Proceedings”) into Adversary Proceeding No. 11-2254.

Based upon the agreement of the Parties and good cause appearing therefor, the Court HEREBY ORDERS that

- (1) The Motion is granted in its entirety;
- (2) Adversary Proceeding Nos. 11-2254, 11-2255, 11-2256, and 11-2398 shall be consolidated into Adversary Proceeding No. 11-2254;
- (3) All documents, pleadings, and other papers respecting the Adversary Proceedings shall be filed on the docket for Adversary Proceeding No. 11-2254;
- (4) The Clerk of Court shall enter a docket entry in each of Adversary Proceeding Nos. 11-2255, 11-2256, and 11-2398 which reads substantially as follows: “An Order has been entered in this Adversary Proceeding directing its consolidation with and administration under Adversary Proceeding No. 11-2254”;

¹ The “Lightstone Defendants” consist of DL-DW Holdings, L.L.C., Lightstone Holdings L.L.C., The Lightstone Group, L.L.C., Lightstone Commercial Management, BHAC Capital IV, L.L.C., Park Avenue Funding L.L.C., David Lichtenstein, Bruno de Vinck, Peyton “Chip” Owen, and Joseph Teichman.

² The “HVM Defendants” consist of F. Joseph Rogers, Dae Hum Kim (a/k/a David Kim), and Gary DeLapp.

³ The “Arbor Defendants” consist of Arbor ESH II, L.L.C., Arbor Commercial Mortgage, L.L.C., Atmar Associates, L.L.C., ABT-ESI L.L.C., Princeton ESH, L.L.C., Glida One LLC, Ron Invest LLC, Mericash Funding LLC, Guy R. Milone, Jr., Joseph Chetrit, and Joseph Martello.

(5) All future papers should bear the following caption:

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(Consolidated)

(6) This Court retains jurisdiction with respect to all matters arising from or
related to the implementation of this Order.

Dated: New York, New York
January 31, 2014



/s/ James M. Peck

Honorable James M. Peck
United States Bankruptcy Judge